



UNITED STATES PATENT AND TRADEMARK OFFICE

59

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,790	12/11/2003	Franklin Joseph Huff	Huff.F-01	6891

22197 7590 04/06/2005

GENE SCOTT; PATENT LAW & VENTURE GROUP
3140 RED HILL AVENUE
SUITE 150
COSTA MESA, CA 92626-3440

EXAMINER

CHIN SHUE, ALVIN C

ART UNIT PAPER NUMBER

3634

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/732,790	Applicant(s) HUFF, FRANKLIN JOSEPH	
	Examiner Alvin C. Chin-Shue	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed does not provide support for the feet and clamping means having a common plate.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8,9 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 8 and 15 it appears that "claiming" should be --- clamping ---. In claim 9, the phrase "the handle" lacks antecedent basis.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6,10,12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troche. Troche shows channels 20, clamping means 50, inwardly directed stop bars 21, as set forth in claim 2, and cross struts 21, as set forth in claims 3-5, restraining bar (horizontal portion of bar 13 with collar 25), and feet (vertical portion of rods 12,13 and elements 14,15). To construct the channels to comprise diverging lower portions to conform to the shaped of conventional ladders having rails with upper parallel and lower diverging portions to enable a snug fit between his channels and the captured ladder, as Troche desired, would have been an obvious engineering expediency.

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troche, as applied to claims 1 and 12 above, and further in view of Moss. Moss shows a ladder having parallel upper and diverging lower rail portions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the rack of Troche with a ladder, as taught by Moss, to be carried by his apparatus.

Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troche, as applied to claim1 above, and further in view of Weger, Jr. Weger

shows a clamp means 29 in fig.3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Troche with a clamp means, as taught by Weger, to facilitate securing a ladder to his rack.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troche, as applied to claim1 above, and further in view of Chasen. Chasen shows a clamp means 40 or 440. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Troche with a clamp means, as taught by Chasen, to facilitate securing a ladder to his rack.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Troche, as applied to claim1 above, and further in view of McDonald shows a clamp means 10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Troche with a clamp means, as taught by McDonald, to facilitate securing a ladder to his rack.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Troche and McDonald, as applied to claim14 above, and further in view of either Chasen or Carroll, Jr. Both Chasen and Carroll (column 6, lines 45,46) teach the use of spring to bias a clamp means in a latched position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify the clamp means, as taught by McDonald, to comprise a spring, as taught by either Chasen or Carroll, to bias his hook 19 in a latched position.

Claims 1-6,10,12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troche in view of French pat. '480 to Brune. Troche shows channels 20, clamping means 50, inwardly directed stop bars 21, as set forth in claim 2, and cross struts 21, as set forth in claims 3-5, and feet (rods 12,13 and elements 14,15), the claimed difference being the restraining bar. Brune shows a restraining bar 18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Troche to comprise a restraining bar, as taught by Brune, for restraining a ladder in his rack. To construct the channels to comprise diverging lower portions to conform to the shaped of conventional ladders having rails with upper parallel and lower diverging portions to enable a snug fit between his channels and the captured ladder, as Troche desired, would have been an obvious engineering expediency.

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troche and Brune, as applied to claims 1 and 12 above, and further in view of Moss. Moss shows a ladder having parallel upper and diverging lower rail portions. It would have been obvious to one of ordinary skill in the art at the time

the invention was made to provide the rack of Troche with a ladder, as taught by Moss, to be carried by his apparatus.

Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troche and Brune, as applied to claim1 above, and further in view of Weger, Jr. Weger shows a clamp means 29 in fig.3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Troche with a clamp means, as taught by Weger, to facilitate securing a ladder to his rack.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troche and Brune, as applied to claim1 above, and further in view of Chasen. Chasen shows a clamp means 40 or 440. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Troche with a clamp means, as taught by Chasen, to facilitate securing a ladder to his rack.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Troche and Brune, as applied to claim1 above, and further in view of McDonald shows a clamp means 10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Troche with a clamp means, as taught by McDonald, to facilitate securing a ladder to his rack.

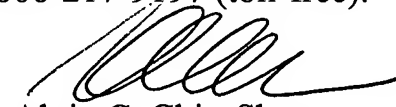
Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Troche, Brune and McDonald, as applied to claim14 above, and further in view of

either Chasen or Carroll, Jr. Both Chasen and Carroll (column 6, lines 45,46) teach the use of spring to bias a clamp means in a latched position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the clamp means, as taught by McDonald, to comprise a spring, as taught by either Chasen or Carroll, to bias his hook 19 in a latched position.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alvin C. Chin-Shue
Examiner
Art Unit 3634

ACS